

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: PIONEER POINT SITE PLAN

Case Numbers: PSR2009-00016; SEP2009-00030; EVR2009-00014;
HAB2009-00017; MZR2009-00024

Location: 15601 NE 182nd Avenue

Request: Site plan approval to construct a 4,000 square foot fast-food restaurant building and convert two existing buildings to commercial use on a 2 acre parcel in the CR-2 zoning district

Applicant: Sterling Design, Inc.
Attn: Joel Sterling
2208 E. Evergreen Blvd. Suite A
Vancouver, WA 98661
Phone - (360) 759-1794, E-mail - joel@sterling-design.biz

Owner: Life Properties, LLC
13712 NE 20th Avenue
Vancouver, WA 98686

DECISION

Approval subject to conditions

Team Leader's Initials: MB **Date Issued:** September 30, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	David Bottamini, P.E.	4881	david.bottamini@clark.wa.gov
Biologist	George Fornes	5601	george.fornes@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov
Team Leader:	Michael Butts	4137	michael.butts@clark.wa.gov
Eng. Supervisor:	Sue Stepan, P.E.	4064	sue.stepan@clark.wa.gov

Parcel Numbers: Tax Lot 4 (204933) in the Northeast quarter of Section 19, Township 3 North, Range 3 East of the Willamette Meridian

Zoning: CR-2

Comp Plan Designation: RC

Applicable Laws:

Clark County Code (CCC) 15.12 (Fire), 40.230.010 (Commercial Districts); 40.320 (Landscaping/Screening), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.360 (Solid Waste/Recycling), 40.370 (Sewer/Water), 40.380 (Stormwater/Erosion Control), 40.440 (Habitat), 40.450 (Wetlands), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.020 (Review and Approval), 40.520.040 (Site Plan), 40.550.010 (Road Mod), 40.570 (SEPA), 40.610 and 40.620 (Impact Fees)

Neighborhood Association/Contact:

Concerned Citizens of Hockinson Neighborhood Association, **Contact** - Jack Bremer (President), PO Box 866, Brush Prairie, WA 98606, **Phone** - (360) 892-7846 (Darleen Warner)

Time Limits:

The application was submitted on March 31, 2009 and determined to be fully complete on April 14, 2009. The project was placed on-hold from June 25, 2009 to September 25, 2009 to allow the applicant to resolved transportation concurrency issues. Therefore, the County Code requirement for issuing a decision within 78 days lapses on October 1, 2009.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

The pre-application conference information was sufficiently complete to qualify for contingent vesting, but the application was submitted after the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the project was vested on the fully complete submittal date of April 9, 2009. The application vested for transportation concurrency on April 9, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, neighborhood association, and property owners within 300 feet of the site on April 28, 2009.

Public Comments:

The County has not received written public comments regarding the proposal.

Project Description/Background

The applicant proposes to construct a 4,000 square foot drive-through fast-food restaurant building and convert two existing buildings to commercial use (office and retail). The proposed commercial buildings are 1,504 and 3,387 square feet in size.

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	RC	CR-2	Residential
North	RC	CR-2	Vacant
South	RCR	RC-1	Residential
East	RC RCR	CR-2 RC-1	Vacant
West	RC	CR-2	Residential

Issues and Staff Analysis

Staff first analyzed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 - Permitted Uses

The proposed retail and professional office uses are permitted in the CR-2 zone if building area is less than 10,000 square feet for each use subject to site plan review. The total building area of both commercial buildings is 4,891 square feet, so the applicant complies with this requirement. The proposed fast food restaurant is permitted in the CR-2 zone subject to site plan review, but the drive-through portion of the restaurant requires an additional review and approval application.

See CCC Table 40.230.010-1 for allowed uses.

Finding 2 - Review and Approval

CCC Table 40.230.010-1 (19)(b), requires the review and approval of drive-through facilities. See CCC 40.520.020 for Review and Approval standards and approval criteria. Staff has reviewed the proposal against the criteria of 40.520.020 C (1 through 6). The following is response to the six criteria:

- The applicant is proposing a drive-through, fast food restaurant on a 2 acre site. The applicant has shown the required 180-foot drive-through queuing lane and there is adequate parking for the proposed restaurant. Staff finds that the proposed use is

adequate in size and shape to accommodate the proposed use. Therefore, this criterion is met.

- Staff finds that the proposed plan does or can comply with all setback, buffer, landscaping, parking, loading and other site plan related requirements. Therefore, this criterion is met.
- The subject site is located within a rural center and is immediately surrounded by smaller lots. The proposed commercial uses will be compatible with the neighborhood land uses and serve the rural residents in the area.
- The subject site is located on a Rural Major Collector (NE 182nd Avenue). The applicant has provided a safe and orderly parking and maneuvering area on-site. Staff finds that the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- The applicant proposes a fast food restaurant and two smaller commercial buildings (3,387 and 1,504 square feet in size). Staff finds this is consistent with a rural center character and will not have a substantial adverse effect on abutting property or the permitted use thereof.
- The proposed use is not residential, so this criterion does not apply.

Based on the above findings, staff finds the proposed site plan complies with the review and approval criteria and should be approved with conditions.

Finding 3 - Additional Rural Criteria

CCC Table 40.230.010-1 19b, footnote 1 contains additional criteria that apply to the proposed drive-through restaurant. The following is staff response to three additional criteria:

- The proposed fast food restaurant will serve the rural community.
- As mentioned above, the applicant proposes a restaurant and two commercial buildings; 3,387 and 1,504 square feet in size. Staff finds the project scale is limited in size to serve primarily the surrounding rural community. Although the project will not create the need for urban levels of service for water, sewer and transportation, public water and sewer is already available in the area.
- The proposed use is primarily for convenience and service needs necessary to support the rural community. The proposal will not cause adverse impacts on surrounding natural resource activities because the subject site is surrounded by smaller, rural center lots and will have no impact on resource activities.

Based on the above findings, staff finds the proposed site plan complies with the additional rural criteria.

Finding 4 - Parking

20 parking spaces are required for the 4,000 square foot fast food restaurant and 14 parking spaces are required for the 4,891 square feet of retail office space. The applicant proposes 40 parking spaces which is six more spaces than required by code.

Finding 5 - Pedestrian Access

Pedestrian circulation routes shall connect structures and uses on site, such as buildings and parking areas (see CCC 40.340.020 A3). The existing 1,504 square foot residence

that is to be converted to commercial use is not sufficiently connected to the parking spaces along the eastern portion of the site. The applicant shall revise the site plan to show a pedestrian connection from the proposed 1,504 square foot commercial building to the parking spaces along the eastern portion of the site. (See Condition A-1a)

Finding 6 - Drive-through Requirements

CCC Table 40.340.020-1 requires a 10-vehicle queuing space lane (180-feet) for a drive-through restaurant. The applicant has shown the required 180-foot drive-through queuing lane for the proposed 4,000 square foot fast food restaurant. Originally, the applicant proposed a drive-through lane for the proposed 3,387 square foot commercial building. The queuing lane was removed because it did not comply with code requirements. A drive-through for the proposed 1,504 square foot commercial building would also not be allowed. The two proposed commercial buildings (3,387 and 1,504 square feet in size) cannot have drive-through facilities. (See Condition A-1b)

Finding 7 - Solid Waste/Recycling Storage

The applicant has provided the required amount of solid waste/recycling storage area, but the required screening (to an F2 standard) has not been identified. A Chain link fence with slats does not comply with the F2 Standard. The final site plan shall identify the required F2 screening of solid waste/recycling storage areas. (See Condition A-1c)

Finding 8 - Lighting

The applicant needs to ensure that lighting from the proposed development does not cast significant light or glare off-site on adjacent properties or public roadways. (See Condition G-1)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

ARCHEOLOGICAL:

Finding 9

The state Department of Archaeology and Historic Preservation has reviewed an archaeological pre-determination submitted by the applicant's archaeologist. The state concurred that no additional work will be required; however, the standard condition regarding discovery of resources will be applied. (See Condition A-1d)

Conclusion (Archaeology):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

HABITAT:

Finding 10

Mud Creek, a Type F (Fish bearing) stream, flows from east to west through the southern portion of the property. Mud Creek carries a 200-foot riparian habitat conservation zone (HCZ), measured horizontally from the ordinary high water mark. Mud Creek and its riparian HCZ are mapped correctly on the preliminary site plan (Exhibit 2, Tab 9) and within the "Habitat Assessment" dated February 23, 2009, prepared by The Resource Company, Inc. submitted by the applicant (Exhibit 2, Tab 20-B).

Finding 11

The applicant proposes to develop the property for commercial use. The majority of the proposed development will occur either outside of the 200-foot HCZ of Mud Creek, or within areas that have already been impacted by existing development. In addition, the applicant has applied for a road modification in order to limit the required frontage improvements along NE 182nd Ave within the riparian HCZ. Staff finds that the applicant is avoiding habitat impacts to the greatest extent practicable.

Finding 12

The applicant proposes to construct a stormwater outfall within an undeveloped portion of the HCZ of Mud Creek (see "Proposed Stormwater Plan" Exhibit 2, Tab 12). The plans show a "Habitat Friendly Outfall Structure" in the southwest portion of the site. The Outfall Structure Detail shows "GEOTEXTILE MEMBRANE HELD IN PLACE WITH WILLOW AND DOGWOOD STAKING."

Staff visited the site on April 15, 2009 in order to verify the information presented in the habitat assessment and to examine the proposed stormwater outfall location. The stormwater outfall location is currently vegetated with Himalayan blackberry and reed canarygrass, with some poplar trees nearby. The proposed construction will not require removal of native vegetation, although the construction may impact roots of the nearby poplar trees. Staff finds that the proposed construction is not likely to cause adverse impacts to existing habitat functions on the site. Staff finds that the proposed activity is adequate to comply with the Habitat Protection Ordinance, provided Conditions A-1e, A-1-f, A-1g, C-1, A-1h, G-1, G-2, and G-3 are implemented.

Conclusion (Habitat):

The proposal can comply with Title 40.440, the Habitat Conservation Ordinance, subject to conditions.

WETLANDS:

Finding 13

The applicant submitted a "Wetland Delineation & Assessment" dated February 23, 2009, prepared by The Resource Company, Inc. (see Exhibit 2, Tab 20-C). Staff reviewed the delineation and issued a wetland determination report on April 21, 2009 (see Exhibit 7). Staff agrees with the wetland boundaries shown in the delineation report.

The site contains two wetlands. Portions of the wetland buffers are functionally isolated by existing development. The buffer of Wetland B is not shown correctly. In summary:

Wetland	Category	Required Buffer (High Intensity)	Buffer Shown in Plans
A	III	80 feet	80 feet
B	II	120 feet	100 feet*

* incorrect buffer shown in plans

Finding 14

The Proposed Development Plan (Exhibit 2, Tab 9) shows that the proposed development will require the construction of a stormwater outfall within the buffer of Wetland B, in the southwest portion of the site. The applicant has indicated that the stormwater outfall can be constructed with a disturbance of less than 5 cubic yards

within the wetland buffer. Therefore the outfall is exempt from wetland review under CCC 40.450.010(C)(1)(n). No other impacts to wetlands or wetland buffers are proposed, therefore a wetland permit is not required.

Conclusion:

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary site plan complies with the requirements of the Wetland Protection Ordinance PROVIDED that Conditions A-1h, A-1i, A-1j, and C-2 are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION CONCURRENCY:

Finding 15 - Trip Generation

County concurrency staff has reviewed the proposed Pioneer Point Site Plan. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 101 new trips and the p.m. peak-hour trip generation at 77 new trips. The applicant indicates that the data was collected base on the nationally accepted data published by the *Institute of Transportation Engineers Eighth Addition*. The proposed site is located at 15601 NE 182nd Avenue in Hockinson.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Finding 16 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study shows a proposed full access location onto NE 182nd Avenue. The applicant's site plan shows that the existing frontage will be reconfigured to create a full access location in the northern portion of the site. The applicant's study indicates that the site access onto NE 182nd Avenue will operate at a LOS C in the 2014 build out horizon. Staff concurs with the applicant's findings.

Finding 17 - Concurrency Compliance

The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within two miles of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or are under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to

the same roadway facilities as the proposed development. This *"in-process traffic"* is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The *"in-process traffic"* information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a *"background growth rate"* (2% per year). This *"background growth rate"* is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

It should also be noted that the County's model does not include many of the rural intersections of regional significance in the area of the proposed development. Therefore, the applicant's traffic study, alone, was used to evaluate concurrency compliance on these concurrency intersections.

Unsignalized Intersections

County Staff has evaluated the operating levels and standard delays represented in the County's model. The County's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections with the exception of the following intersection:

- NE 182nd Avenue/NE 159th Street.

NE 182nd Avenue/NE 159th Street

The applicant's traffic study indicates that the intersection of NE 182nd Avenue/NE 159th Street will operate at a LOS E in the 2011 Concurrency horizon. The applicant's traffic study indicates that there are 25 vehicle trips assigned to the northbound approach of the NE 182nd Avenue/NE 159th Street intersection. Because of this, the applicant has submitted a traffic signal warrant analysis to determine if the proposed development can comply with the concurrency ordinance. The applicant's signal warrant analysis, dated September 1, 2009, showed that the following warrants were not met:

- Eight-Hour Vehicular Volume;
- Four-Hour Vehicular Volume;
- Peak Hour; and,
- Crash Experience.

Staff agrees with the applicant's findings.

Therefore, based on the level-of-service and signal warrant analysis, submitted by the applicant, Staff has determined that this development complies with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

The applicant's study shows the two-mile radius study area. Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service.

Summary

The County has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 18 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

Left Turn Lane Warrants

The applicant's traffic study analyzed the site access for left turn lane warrants. The study showed that the site access meets warrants based on left turning volumes.

Although the volume warrants, for left turn lanes at these locations, have been met, the applicant's traffic study performed additional analysis to determine the need for this type of mitigation.

The applicant's study presented the following findings of fact:

- There is no accident history at the site driveway for the most recent 5 year period that would be indicative of a safety issue;
- Sight distance at the site driveway is over 500 feet in the north and south directions;
- The existing geometrics would not require vehicles to slow greatly below the speed of the through vehicles; and,
- There will be a good LOS at the site driveway for vehicles entering from the north or south.

Based on the purpose for creating turn lanes, as outlined in the *Washington State Department of Transportation (WSDOT) Design Manual*, and lack of crash history that would be indicative of safety issues at the existing site access, County staff agrees with the traffic study findings and the supporting analysis. Therefore, staff believes that construction of a southbound left turn lane would not be necessary to accommodate trips generated by the proposed development.

Right Turn Lane Warrants

The applicant's traffic study did not review the study intersections for right turn lane warrants. Therefore, County Staff used the information presented in the applicant's traffic study for right turn lane warrant analysis.

Based on the applicant's traffic study information and the purpose for creating a right turn lane, as outlined in the WSDOT *Design Manual*, staff believes that with the low traffic volumes, a right turn lane would not be warranted at the site driveway.

Finding 19 - Historical Accident Situation

The applicant's traffic study analyzed the accident history within the vicinity of the site. The intersection accident rates do not exceed thresholds that would warrant additional analysis. Therefore, further analysis and possible mitigation *is not* required.

Conclusion

Based upon the development site characteristics, the submitted traffic study dated March 9, 2009 and supplemental information prepared and submitted, by Charbonneau Engineering, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance CCC 40.350.020.

TRANSPORTATION:

Finding 20 - Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposal meets the pedestrian circulation code.

Finding 21 - Road Circulation

The applicant submitted a cross circulation plan. The project complies with the circulation plan requirements, Section CCC 40.350.030(B)(2).

Finding 22 - Roads

NE 182ND Ave. is classified as a "Rural Major Collector", R-2. The required half-width frontage improvements include 30 feet of right-of-way, 20 feet of paved width, and detached 5-foot sidewalk. The applicant has proposed the required improvements, however, has submitted a road modification for relief from the requirements adjacent to a wetland at the southern end of the property.

The proposed driveway approach shall be as consistent as possible with standard drawing F16 or F17. A modified driveway approach is appropriate. Diagrams of turning movements at the driveway approach and on-site shall be provided. (See Condition A-2a)

Finding 23 - Road Modification (EVR2009-00014)

The applicant has submitted a road modification for the purpose of reduced driveway spacing and relief from frontage improvement requirements.

The applicant submitted a road modification, EVR2009-00016, that is dated March 30, 2009. According to the applicant, the proposal includes the use of an existing driveway that is to provide access to the site.

The applicant requests the allowance for ending frontage improvements along NE 182nd Avenue approximately 129 feet short of the southern property line due to the existence of a wetland associated with Mud Creek. The applicant states that there is not sufficient area to make any improvements to the roadway without impacting the wetland. The permitting process would be a difficult one. The applicant does not anticipate any safety issues as a result of the reduced road width and no sidewalk.

Staff agrees with the applicant that the driveway spacing requirement can not be met per CCC 40.550.010(A)(1)(a).

Staff also agrees with the applicant that providing frontage improvements adjacent to the wetland would place a disproportionate burden on the applicant from a permitting and cost standpoint due to existing conditions. Staff also agrees it does not appear there are any safety issues as a result of the proposal.

Finding 24 - Sight Distance

The applicant submitted a sight distance certification letter dated March 9, 2009.

The applicant indicates sight distance requirements are met at the location of the existing driveway approach that is to be utilized for the proposal.

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements. (See Condition A-2b)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 25 - Applicability

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5000 square feet of new impervious surface are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate road runoff may be deducted from area calculations. The applicant has correctly indicated the amount of proposed impervious area that will be created is less than 5000 square feet and therefore CCC 40.380.040(B) and CCC 40.380.040(C) do apply.

Finding 26 - Stormwater Proposal

The applicant has submitted a preliminary stormwater report that indicates a bioswale and detention facility will be utilized. The facilities are to be privately owned and maintained.

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 5.1 inches. The 10-year/24-hour storm event precipitation depth is 3.8 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.8 inches.

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Condition A-4a)

According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040 (C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required. (See Condition A-4b)

The proposed outfall structure shall be consistent with the Flow Dispersal Trench detail (Figure III-2.22) of the Puget Sound Manual or provide an equivalent design that will provide adequate dispersion and prevents erosion. (See Condition A-4c)

Curve numbers shall not be averaged when calculating stormwater water quality design flows. The applicant shall demonstrate that the predeveloped curve numbers used in the stormwater calculations comply with CCC 40.380.040 (C)(2)(b). (See Condition A-4d)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 27 - Fire Marshall Review

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5). Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition D-1)

Finding 28 - Fire Flow/Hydrants

Fire flow in the amount of 1,750 gallons per minute supplied at 20 psi for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 3,000 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon a 4,000 sq. ft. type V-B constructed building.

Fire hydrants are required for this application. The indicated number of the fire hydrants is inadequate. One additional fire hydrant is required to meet the fire flow. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (See Conditions B-5 and B-6)

Finding 29 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition C-3)

Fire apparatus turnarounds are not required for this application.

WATER & SEWER SERVICE:

Finding 30

The applicant has submitted utility reviews from the Clark Regional Wastewater District and Clark Public Utilities indicating that public sewer and water is available to the subject site. The proposed building will be required to connect to approved public sewer and water systems. The applicant needs to comply with all requirements of the purveyor. (See Condition C-4)

IMPACT FEES:

Finding 31

Traffic Impact Fees (TIF) apply to the proposed rural development which is located within the Rural 1 Transportation Subarea. TIF for the proposed 4,000 square foot fast food restaurant is **\$196,799.92** (this includes a \$2,749.47 reduction for the existing residence). TIF for the proposed 4,891 square foot of retail/office space (in two buildings) is **\$18,997.81**. (Reference IFC2008-00101 and Condition D-2)

Please contact Tahanni Essig at 397-6118, Ext. 5790 for further questions regarding the TIF. If the application is more than three years following the site plan approval, the Impact Fees will be recalculated according to the then current ordinance.

Finding 32 - Building Department

The building safety program has reviewed the submitted plan and finds one item needing addressed for final site approval. Detectable warning shall be installed at all curb ramps and at all entry too and exit from indicated crossings within site.

All structures, buildings, and facilities shall be permitted and approved by building safety division. Approval by land use or engineering division does not constitute approval by building safety division. Contact David Maret (Commercial Plans Examiner) at (360) 397-2375 x4091 for more information.

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 28, 2009 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Persons:

Planner: Richard Daviau - (360) 397-2375, ext. 4895

Team Leader/Responsible Official: Michael V. Butts, (360) 397-2375, ext. 4137

Decision

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan** - The applicant shall submit and obtain County approval of a final site plan with the following conditions of approval:
- a. The applicant shall revise the site plan to show a pedestrian connection from the proposed 1,504 square foot commercial building to the parking spaces along the eastern portion of the site (see Finding 5).
 - b. The two proposed commercial buildings (3,387 and 1,504 square feet in size) cannot have drive-through facilities (see Finding 6).
 - c. The final site plan shall identify the required F2 screening of solid waste/recycling storage areas (see Finding 7).
 - d. Archaeology - A note shall be placed on the face of the final site plan and construction plans "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
 - e. The ordinary high water mark of Mud Creek, as well as the riparian habitat conservation zone, shall be shown on the face of the final site plan (see Findings 10, 11, and 12).
 - f. The applicant shall record a Habitat Conservation Covenant with the County Auditor's Office (see Findings 10, 11, and 12).
 - g. A note shall be placed on the final site plan stating "No vegetation shall be removed from the riparian habitat conservation zone." (See Findings 10, 11, and 12)
 - h. The wetland and buffer boundaries shall be delineated on the face of the Final Site Plan. Provide details of the proposed stormwater outfall, showing less than 5 cubic yards of land disturbance for its construction. (See Finding 14)
 - i. Recording a revised conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state.
 - j. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this site plan for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."

A-2 **Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The proposed driveway approach shall be as consistent as possible with standard drawing F16 or F17. Diagrams of turning movements at the driveway approach and on-site shall be provided. (See Finding 22)
- b. The approval shall comply with the sight distance requirements of CCC 40.350.030(B)(8). (See Finding 24)

A-3 **Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval (see Finding 26):

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.
- b. Per CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040 (C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required.
- c. The proposed outfall structure shall be consistent with the Flow Dispersal Trench detail (Figure III-2.22) of the Puget Sound Manual or provide an equivalent design that will provide adequate dispersion and prevents erosion.
- d. Curve numbers shall not be averaged when calculating stormwater water quality design flows. The applicant shall demonstrate that the predeveloped curve numbers used in the stormwater calculations comply with CCC 40.380.040 (C)(2)(b).

- A-5 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- A-6 **Developer's Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 40.380. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- A-7 **Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.
- B-4 If any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.
- B-5 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. One additional fire hydrant is required to meet the fire flow. (See Finding 28)

- B-6 Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (See Finding 28)

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 The applicant shall install the "Habitat Friendly Outfall Structure" as shown in the detail on the "Proposed Stormwater Plan" (Exhibit 2, Tab 12), including the willow and dogwood stakes. The applicant shall specify the number of willow and dogwood stakes required. (See Finding 12)
- C-2 Wetlands and Buffers - Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less.
- C-3 Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Finding 29)
- C-4 The applicant shall comply with all requirements of the water or sewer purveyor.

D	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- D-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- D-2 The applicant shall pay TIF in the amount of **\$196,799.92** for the proposed 4,000 square foot fast food restaurant (this includes a \$2,749.47 reduction for the existing residence) and **\$18,997.81** for the proposed 4,891 square foot of retail/office space. (Reference IFC2008-00101)

If a building permit is required, then the TIF will be required prior to building permit issuance. If application for a building permit is more than three years following site plan approval, the Impact Fees will be recalculated according to the then current ordinance.

E	Occupancy Permits Review & Approval Authority: Customer Service
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- E-1 **Landscaping:** Prior to the issuance of an approval of occupancy for final site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

F	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant-
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- F-1 **Site Plans and other land use approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- F-2 **Building and Fire Safety** - Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.
- F-3 **Building elevation approvals** - Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.
- F-4 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.
 - The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G	Post Development Requirements Review & Approval Authority: As specified below
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- G-1 The applicant shall ensure an 80% survival rate for the installed willow and dogwood stakes for a period of 3 years. If this performance standard is not being

met at the end of the 3 year monitoring period, additional planting and monitoring shall be required.

- G-2 The applicant shall apply for a Year 3 monitoring inspection and pay the appropriate fee. Monitoring shall not be required for years 1 and 2.
- G-3 At a minimum, the applicant shall water the mitigation plantings on a weekly basis during the first summer growing season and on an as-needed basis thereafter.
- G-4 **Outdoor Lighting** - Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 30, 2009. Therefore any appeal must be received in this office by 12:00 PM, October 14, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

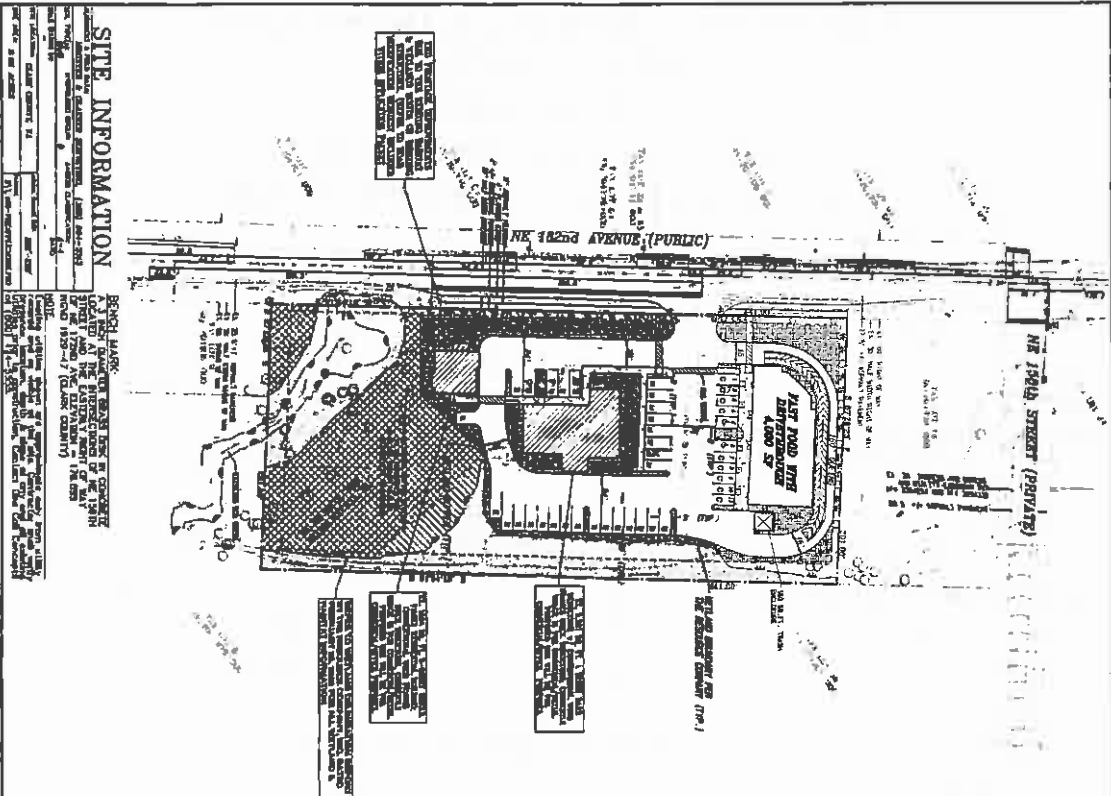
A copy of the Clark County Code is also available on our Web Page at:
<http://www.co.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:		
-On-site landscape plan	X	
-Right-of-way landscape plan*		
Final Wetland Plan	X	
Final Habitat Plan	X	

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.



1. PROPOSED DEVELOPMENT (U.S. LAND SURVEY) PLAN

GENERAL INFORMATION:

- PROJECT NAME: 1ST FLOOR WITH REINFORCED 4000 ST
- PROJECT LOCATION: NE 1/4 Sec. 19, T3N, R3E, W.M. Clark County, Washington
- PROJECT OWNER: [Name]
- PROJECT ENGINEER: [Name]
- PROJECT DATE: [Date]
- PROJECT SCALE: 1 inch = 50 ft

2. EXISTING CONDITIONS (U.S. LAND SURVEY) PLAN

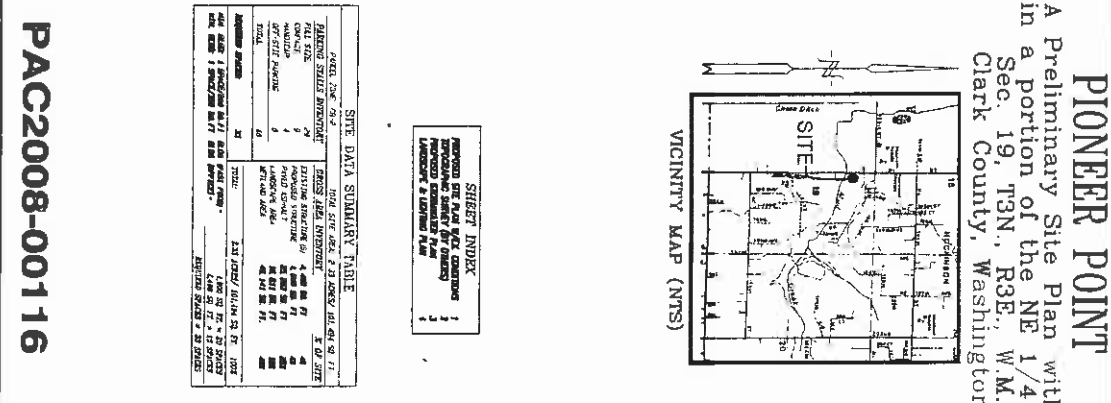
GENERAL INFORMATION:

- PROJECT NAME: EXISTING CONDITIONS
- PROJECT LOCATION: NE 1/4 Sec. 19, T3N, R3E, W.M. Clark County, Washington
- PROJECT OWNER: [Name]
- PROJECT ENGINEER: [Name]
- PROJECT DATE: [Date]
- PROJECT SCALE: 1 inch = 50 ft

3. EXISTING CONDITIONS (U.S. LAND SURVEY) PLAN

GENERAL INFORMATION:

- PROJECT NAME: EXISTING CONDITIONS
- PROJECT LOCATION: NE 1/4 Sec. 19, T3N, R3E, W.M. Clark County, Washington
- PROJECT OWNER: [Name]
- PROJECT ENGINEER: [Name]
- PROJECT DATE: [Date]
- PROJECT SCALE: 1 inch = 50 ft



<p>PROJECT</p> <p>PIONEER POINT</p>	<p>SHEET DESCRIPTION</p> <p>PROPOSED DEVELOPMENT PLAN W/EXISTING CONDITIONS</p>	<p>STERLING DESIGN, INC.</p>	<p>PREPARED BY:</p> <p>[Name]</p>
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<p>PROJECT</p> <p>PIONEER POINT</p>	<p>SHEET DESCRIPTION</p> <p>PROPOSED DEVELOPMENT PLAN W/EXISTING CONDITIONS</p>	<p>STERLING DESIGN, INC.</p>	<p>PREPARED BY:</p> <p>[Name]</p>
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